



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 10 2014

Return Receipt Requested

Certified Mail#: 7004-1160-0002-3622-9575

In Reply Refer to:

EPA File No.: 05R-14-R9

Brian Beveridge, Co-Director
Margaret Gordon, Co-Director
West Oakland Environmental Indicators Project
349 Mandela Parkway
Oakland, California 94607

Re: Referral of Administrative Complaint

Dear Mr. Beveridge and Ms. Gordon:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring your administrative complaint filed against the City of Oakland (California), the Port of Oakland, Customs and Border Protection, and a private company named North American 3PL to the U.S. Department of Transportation (DOT). EPA's OCR received this administrative complaint from you on May 9, 2014. You generally alleged that the four entities named in the administrative complaint violated Title VI of the Civil Rights Act of 1964 and EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. See 40 C.F.R. §7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. See 40 C.F.R. §7.120(b)(1). Second, it must describe alleged discriminatory acts that violate EPA's nondiscrimination regulations, such as an intentionally discriminatory act or a policy with discriminatory effects based on race, color, national origin, sex, age or disability. See 40 C.F.R. §7.120(b)(1). Third, it must be received within 180 calendar days of the alleged discriminatory act. See 40 C.F.R. §7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. See 40 C.F.R. § 7.15.

OCR has carefully reviewed your complaint and concluded that none of the entities that you identify are current recipients of EPA grants that relate directly to the discrimination allegations. However, the U. S. Department of Transportation (DOT) has

apparently issued TIGER grants to the Port of Oakland and may have subject-matter expertise over your allegations. Therefore, this complaint is being referred to U.S. DOT for review and investigation as it deems appropriate. A copy of our letter to the U.S. DOT is enclosed with this correspondence. The contact is Mr. Joseph Austin, Associate Director, U.S. DOT, 1200 New Jersey Avenue, S.E., Washington, D.C., 20590. Mr. Austin's telephone number is (202) 366-4070.

Please note that OCR is still awaiting the return of the Complainant Consent/Release form we enclosed in the notification letter sent to you on June 16, 2014, and re-sent on July 10, 2014. We must have this form returned to us with your signature so that we can release an unredacted copy of your complaint letter to the U.S. DOT.

If you have any questions for the EPA about the handling of your complaint, please contact Katsumi Keeler of my staff at (202) 564-2347, or by e-mail at keeler.katsumi@epa.gov, or by mail at U.S. EPA, Office of Civil Rights, Mail Code, 1201A, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell
Director
Office of Civil Rights

Enclosure

cc: Elise Packard, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)
U.S. EPA Office of General Counsel

Alexis Strauss
Deputy Civil Rights Official
U.S. EPA Region IX